

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 16287 of 2004(L)

PETITIONER:

ARIKKAT VIJAYAN MENON, RETD.,
CHAIRMAN OF KERALA, AGRICULTURAL INCOME TAX AND
SALES TAX APPELLATE TRIBUNAL, RESIDING AT
PRATHIBHA, NORTH RAILWAY STATION ROAD,
ERNAKULAM, KOCHI-18

BY ADV. SMT.P.V.ASHA

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, TAXES (D) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. ACCOUNTANT GENERAL (A&E), KERALA,
PB NO.5607, M.G.ROAD, THIRUVANANTHAPURAM-695039
3. DISTRICT TREASURY OFFICER, ERNAKULAM.
4. STATE BANK OF TRAVANCORE, REPRESENTED BY
ITS MANAGER, M.G.ROAD, ERNAKULAM.

R1 TO 3 BY GOVERNMENT PLEADERSHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 16287 OF 2004

Dated this the 21st December, 2006.

JUDGMENT

The petitioner retired from service on 31.5.1984 while he was the Chairman of the Kerala Agricultural Income Tax and Sales Tax Appellate Tribunal. As per Ext.P1 judgment this Court held that the petitioner was put on par with the Selection Grade District Judges and he was entitled to the benefit of revision of pay scales as in the case of Selection Grade District Judges. The petitioner was accordingly paid salary in the pay scale of Selection Grade District Judges and his terminal benefits have been worked out on that basis. Subsequently the pay scales as also the service benefits made available to the judicial officers including District Judges have undergone drastic changes and orders have been passed pursuant to the judgment of the Apex Court. Consequential orders have been passed by the State Government also. The benefits thus granted take in revision of pension and certain allowances due to the pensioners. Ext.P9 G.O dated 30.8.2006 refers to the Government orders issued previously on the subject as also the judgment of the Supreme Court and the communication sent by the Registrar of this Court to the Government. The petitioner has filed Ext.P10 representation addressed to the Accountant General, Kerala with copy to the Secretary

to Government and other authorities having the responsibility to consider the claim of the petitioner, and if found legitimate, to disburse the amount.

2. Ext.P10 shows that the benefits to be made available to the petitioner have been enumerated there and numbered as 1 to 9. It concludes with the request that expeditious steps be taken to authorise all the aforesaid benefits, particularly those mentioned in paragraphs 7 to 9.

3. I have heard counsel for the petitioner and Govt. Pleader for the respondents.

4. There cannot be any doubt that the respondents have got a duty to consider Ext.P10, in accordance with law, particularly in the light of the orders issued by the Government including Ext.P9 and take appropriate decision. This shall be done expeditiously, in any event, within two months on the petitioner producing a copy of the judgment. Benefits as may be granted to the petitioner shall be made available to him without any delay. A time limit of two months from the date of taking decision on Ext.P10 is fixed for due compliance of the above direction. Writ petition is disposed of accordingly.

K.K.DENESAN
Judge